

S/N 10/757,646

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	EIDENSCHINK ET AL.	Examiner:	R. SEVERSON
Serial No.:	10/757,646	Group Art Unit:	3731
Filed:	JANUARY 13, 2004	Docket No.:	15305.25US01
Due Date:	MARCH 31, 2008	Confirmation No.	3946
Title:	BIFURCATED STENT DELIVERY SYSTEM		

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**RESPONSE**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

This is in response to the Office Action mailed December 31, 2007, in which all of pending claims 1-9, 15, 21, 22, 24-38 and 51-65 were rejected. Reconsideration of the application is requested in view of the following remarks and the attached Declaration of inventor Tracee Eidenschink.

Claims 1-9, 15, 21, 22, and 24-38 and 51-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Eidenschink et al. (US 2005/0149161). Applicants respectfully traverse this rejection. The '161 application is not available as prior art. The attached Declaration of inventor Tracee Eidenschink supports Applicants' position that the subject matter of the '161 application that was disclosed but not claimed therein was derived from the inventor of the present application, and thus is not the invention of "another" as required by 35 U.S.C. 102(e). Therefore, this rejection is moot.

In view of the above, Applicants respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: May 27, 2008

/Joshua N. Randall/  
Joshua N. Randall  
Reg. No. 50,719  
JNR:ae

